

## ASSESSMENT REPORT

### Building R1, Barangaroo South SSD 6513 MOD 3

#### 1. BACKGROUND

##### 1.1 Introduction

This report provides an assessment of a section 96(1A) modification application lodged by Lend Lease (Millers Point) Pty Ltd (the Applicant) seeking to modify a State significant development application (SSD 6513) for the construction and use of Building R1 as a pub at Barangaroo South within the City of Sydney local government area. The application seeks approval for design amendments to the ground floor planter boxes, four signage zones and minor ground floor design and layout amendments.

##### 1.2 The site

The proposed development is located within Barangaroo, in the north-western edge of the Sydney CBD. Building R1 is in the south-western corner of Barangaroo South. The layout of Barangaroo is provided at **Figure 1** below.



**Figure 1:** Photomontage showing Barangaroo layout (Source: Department)

### 1.3 Site context

The site is bound by the Sydney Harbour foreshore to the west, Building R9 to the north, Hickson Road and Millers Point to the east, and Kings Street Wharf, Cockle Bay and Darling Harbour to the south. Barangaroo is divided into three parts: Headland Park; Barangaroo Central; and Barangaroo South (see **Figure 2**). The land that this development application applies to is located in Barangaroo South.

On 9 February 2007, the then Minister for Planning approved the Barangaroo Concept Plan (MP 06\_0162). The Concept Plan approved a set of built form principles to guide development within the mixed-use zone. The site extends over land generally known and identified in the approved Barangaroo Concept Plan as Block X (**Figure 2**).



**Figure 2:** The site is indicated in red (Source: Department)

### 1.4 Approval History

On 25 August 2016, a State Significant Development Application (SSD 6513) was approved by the Executive Director, Key Sites and Industry Assessments, as delegate for the Minister for Planning, for the construction and use of Building R1 at Barangaroo South.

The application sought consent for:

- site preparation works, including a concrete slab and additional piling
- construction of a three-storey food and drink premises (pub) with 804 m<sup>2</sup> of gross floor area (GFA)
- use of 15 car parking spaces and plant, infrastructure services in the Stage 1A basement
- use of one bicycle parking space within the adjacent public domain for the future use(s) of Building R1
- landscaping works
- installation of utility services.



On 7 July 2017, SSD 6513 (MOD 2) was approved by the Director, Key Sites Assessments, which provided minor design amendments at the ground and rooftop plant levels of the building.

On 25 July 2017, SSD 6513 (MOD 1) was approved by the Director, Key Sites Assessments, to provide retractable awnings for solar protection throughout the licensed area and minor amendments to several conditions relating to acoustics and mechanical ventilation.

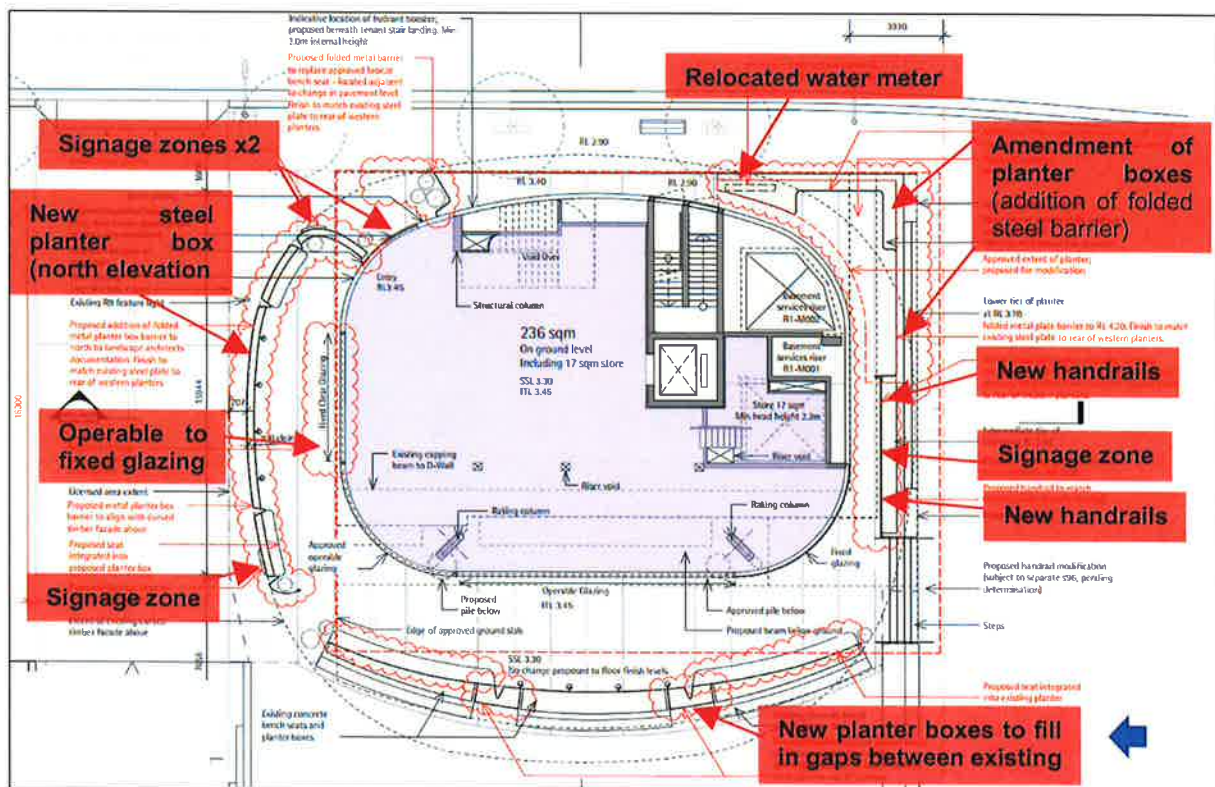
## 2. PROPOSED MODIFICATION

The proposed modification (MOD 3) seeks approval under section 96(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) for:

- design amendments to the ground floor planter boxes to demarcate the outdoor dining area and adjoining public domain in accordance with liquor management and licensing requirements
- four signage zones integrated into the ground floor building design and layout
- other minor ground floor building design and layout amendments, including:
  - handrails to match existing public domain handrails
  - change from operable to fixed glazing on the northern façade
  - relocation of the water meter to the eastern garden bed
  - revised external lighting and seating configuration, including an additional zone of outdoor seating in the south-eastern corner of the building.

The proposed modifications are illustrated in **Figure 3** to **Figure 5** below.

No change is proposed to the approved patron capacity of the outdoor areas.



**Figure 3:** Proposed modifications to ground floor (Source: Applicant)

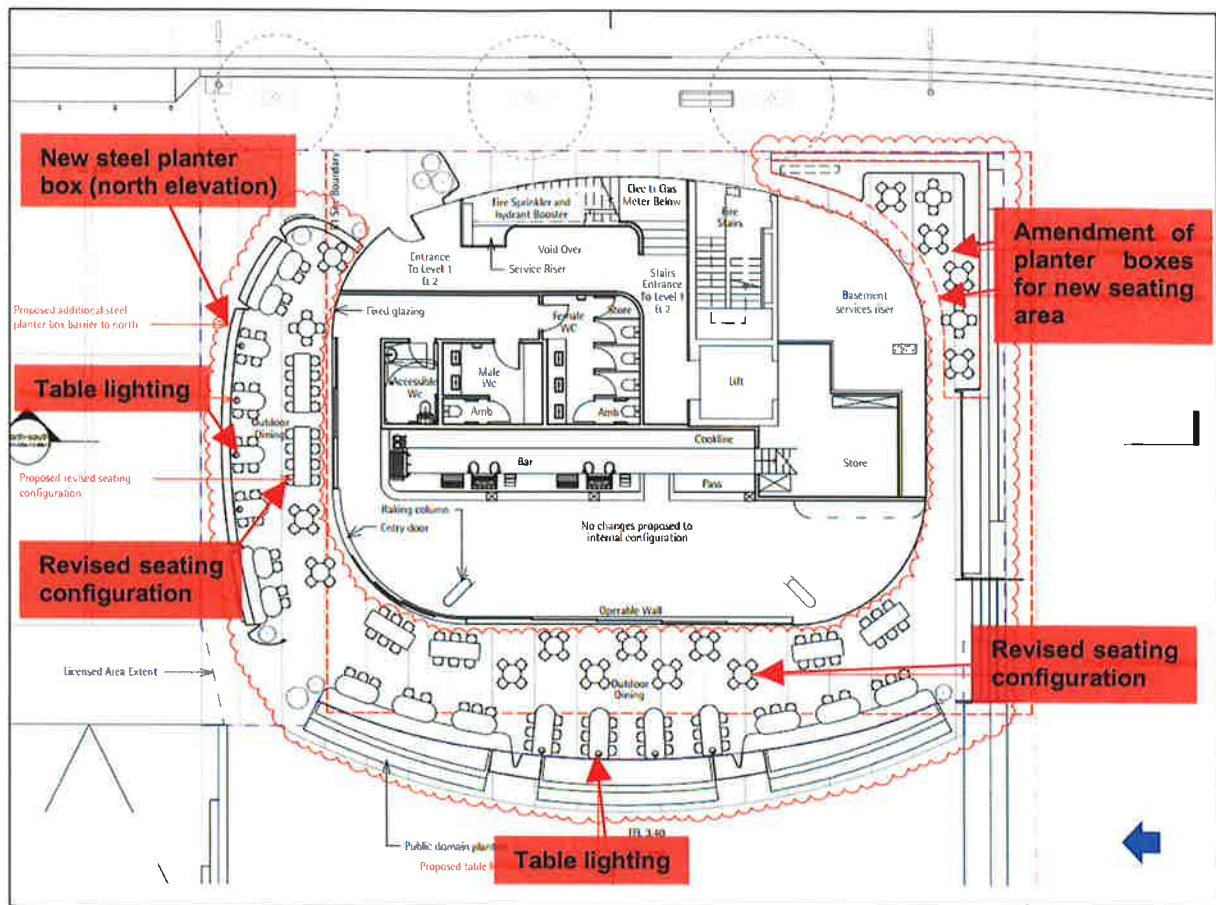


Figure 4: Proposed modifications to ground floor fit-out (Source: Applicant)

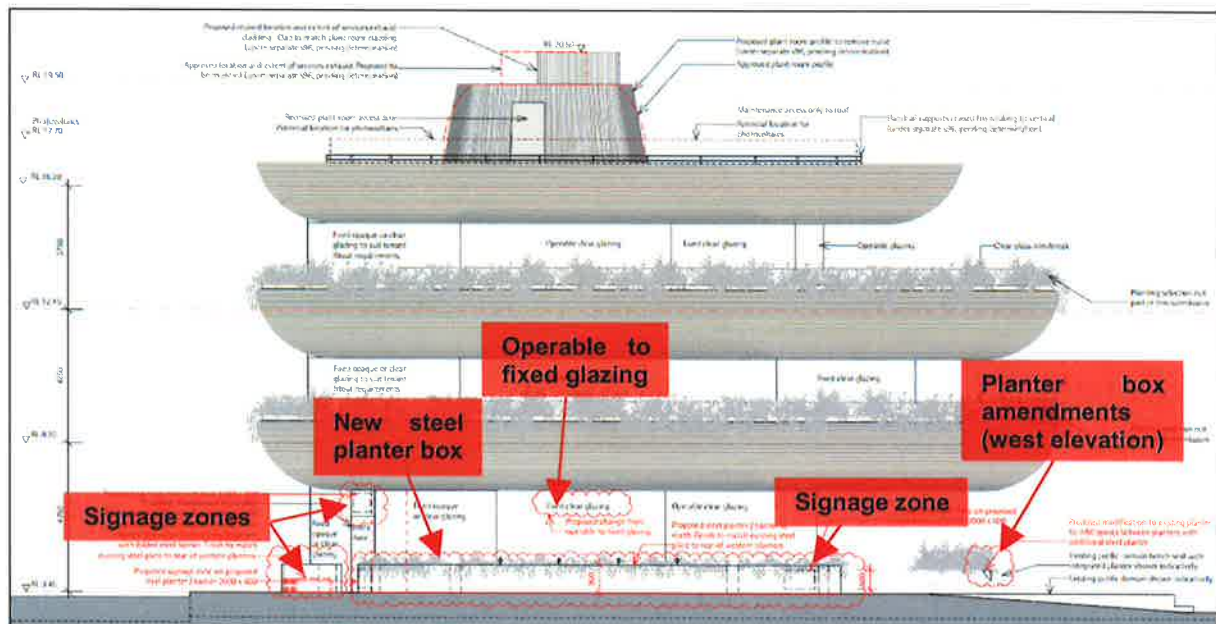


Figure 5: Proposed modifications to northern elevation (Source: Applicant)

### 3. STATUTORY CONTEXT

#### 3.1 Modification of approval

Section 96(1A) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals:

**Table 1** – Consideration of matters under section 96(1A)

Section 96(1A) matters for consideration	Comment
S96(1A)(a) that the proposed modification is of minimal environmental impact.	<b>Section 5</b> of this report provides an assessment of the impacts associated with the proposal. As the proposal involves minor design changes to the building, the Department is satisfied the proposed modifications will have minimal environmental impact.
S96(1A)(b) that the development to which the consent as modified is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).	As the proposal relates to minor design changes the Department is satisfied it would result in development that is substantially the same as that originally approved.
S96(1A)(c) The application has been notified in accordance with the regulations.	The modification application was notified to the City of Sydney Council in accordance with the Regulation. Details of the notification are provided in <b>Section 4</b> of this report.
S96(1A)(d) Any submission made concerning the proposed modification has been considered.	The Department received one submission on the proposal.

#### 3.2 Environmental Planning Instruments

The following EPIs were relevant to the original SSD application:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (State Significant Precincts) 2005
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Sydney Harbour Catchment 2005)
- State Environmental Planning Policy No. 55 – Remediation of Land.

An assessment of compliance with the EPIs was considered in the original application. The Department has considered the modification application against the objectives and aims of these instruments and is satisfied that the modified proposal remains consistent with the provisions of these EPIs.

As signage zones are now proposed as part of the modified development, the Department has also undertaken an assessment of the proposal against State Environmental Planning Policy 64 (Advertising and Signage) in **Appendix C** of this report.

#### 3.3 Compliance with Clause 3B of Schedule 6A of the EP&A Act

Clause 3B9(2)(d) of Schedule 6A of the EP&A Act 1979 specifies a consent authority must not grant consent under Part 4 unless it is satisfied that a development is consistent with the terms of the approval of a Concept Plan.

The Department has considered the proposed modification and is of the opinion it is consistent with the Concept Plan as it:

- complies with all relevant built form principles and Barangaroo South Urban Design Controls, in particular:
  - *Control 5 – Ground Floor Permeability and Accessibility of Public Realm* as the planter box refinements will not impact on permeability or accessibility around the site
  - *Control 8 – Active Frontages* as the planter boxes have been architecturally treated and appropriately sized to not interfere with the public domain and the new seating area in the south-eastern corner of the building will activate that building frontage
- does not alter the approved maximum GFA or building height specified in the Concept Plan.

### 3.4 Delegated Authority

In accordance with the Minister for Planning's delegation dated 11 October 2017, the Director, Key Sites Assessments may determine the section 96(1A) request as:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of an objection.

## 4. CONSULTATION AND SUBMISSIONS

### 4.1 Notification

The modification application and accompanying information was made publicly available and notified in accordance with the *Environmental Planning and Assessment Regulation 2000*.

The Department made the proposal publicly available on its website. The Department also notified the City of Sydney Council (Council) and the Environment Protection Authority (EPA) in writing.

### 4.2 Public Authority Submissions

**Council** did not object to the proposal but raised concern regarding:

- the need for more detailed plans showing the folded metal planter boxes and how the proposed signage zones integrate with structures
- inadequate consideration of Crime Prevention Through Environmental Design (CPTED) principles
- the proposed new seating zone in the south-eastern corner of the building being isolated from other areas of the building which would limit the ability of staff to properly managed patrons within that space.

Council also noted on inspection of the site, some of the proposed works appeared to have commenced. It is noted the Department's Compliance Unit is currently undertaking an investigation into this matter which is on-going.

The **EPA** raised no issues of concern with the proposal.

### 4.3 Public Submissions

No submissions from the public were received.

### 4.4 Response to Submissions

On 23 October 2017, the Applicant provided a response to the issues raised by Council which included:



- additional plans and diagrams illustrating the proposed folded metal planter boxes and how the proposed signage zones integrate with structures
- additional information on how the design of the proposed new seating zone in the south-eastern corner of the building has considered CPTED principles and would be managed in a safe and efficient manner in accordance with the approved POM for the premises.

## 5. ASSESSMENT

The Department considers the key issues associated with the proposed modification to be:

- external design changes
- signage zones
- noise.

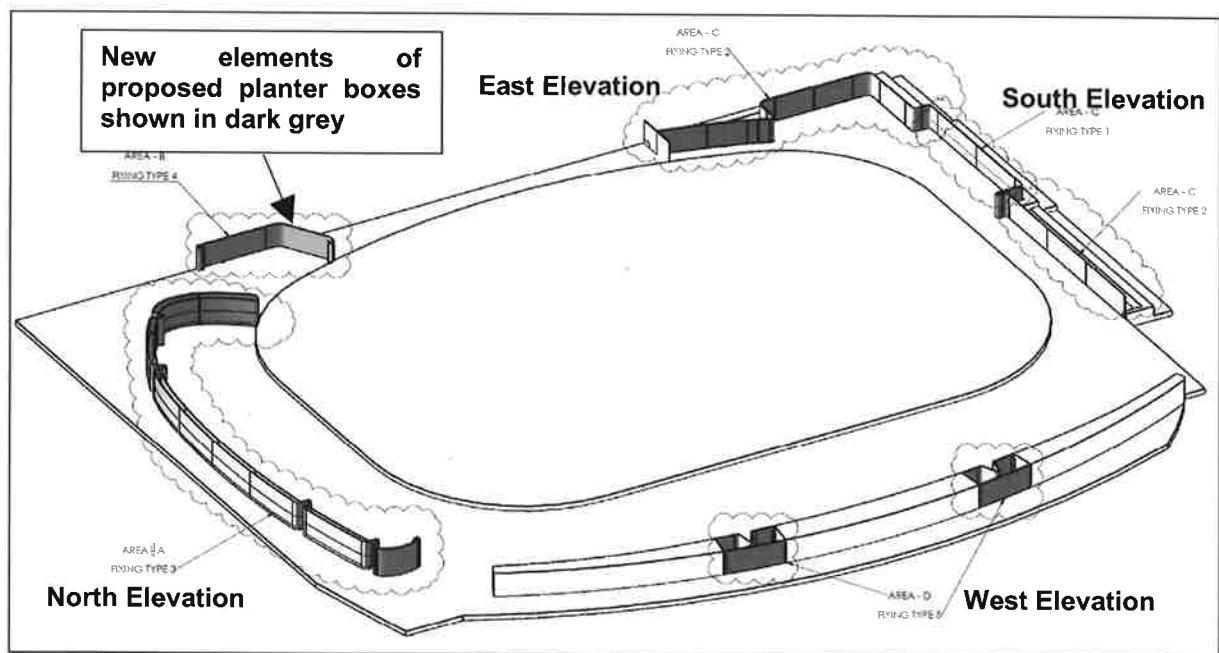
### 5.1 External Design Changes

#### Planter boxes

The design of the approved ground floor planter boxes has been refined to clearly delineate the extent of the licensed premises from the adjoining public domain and prevent overflow into the public domain, in accordance with liquor management and licensing requirements.

Council requested more detailed plans be provided showing the folded metal planter boxes.

In response to Council's concerns, the Applicant provided additional diagrams 'for information' which illustrate the proposed folded metal planter boxes in more detail (**Figure 6**).



**Figure 6:** Diagram showing design of proposed folded metal planter boxes (Source: Applicant)

The Department has reviewed the information provided and notes the proposed planter boxes have been architecturally treated, integrated into the design of the existing landscaping and appropriately sized to ensure they do not interfere with or detract from the adjoining public domain. The landscaping and materiality (steel) of new planter boxes would be consistent with the approved design.

Given the above, the Department supports the design of the modified planter boxes and is satisfied they would not adversely impact on the surrounding public domain.

### Additional seating area

Council raised concern the proposed new ground floor seating zone in the south-eastern corner of the building (**Figure 4**) is isolated and visually separated from other areas of the building which would limit the ability of staff to properly managed patrons within that space. Concern was also raised CPTED principles had not been thoroughly considered as part of the application.

In response to Council's concerns, the Applicant acknowledges that while the new seating area is separate from the primary outdoor seating area, it is located in a highly visible location within the public domain at Barangaroo South as it is located at a key gateway to the precinct with limited screening (i.e. the corner of Shelley and Lime Streets). Further, the Applicant considered the low height design of the folded metal planter box in the south-east corner provides appropriate separation and demarcation of the public and private domain without limiting opportunities for casual surveillance.

The Applicant also advised the approved Plan of Management (POM) for the premises incorporates formal requirements for (amongst other things):

- closed circuit television cameras (CCTV) to be installed and operated throughout the venue, including the south-east corner
- security personnel to monitor patrons in the venue on the ground floor during peak periods including the south-east corner
- all areas of the venue including the south-east corner to be frequented by staff (including managers) to ensure it is kept in a clean and tidy state
- all staff to be trained in the Responsible Service of Alcohol to help control patron behaviour.

The Department acknowledges Council's concerns but is satisfied CPTED principles have been suitably considered in the design of the additional seating area. Further, the Department is satisfied patrons in the new seating area would safely and be efficiently managed by staff in accordance with the approved POM for the premises. The new seating area would also activate the south-eastern corner of the building and the adjacent public domain and is therefore supported.

### Other changes

The Department considers all other external ground floor changes proposed (revised external table lighting, handrails to match existing in the public domain, relocation of the water meter and change from operable to fixed glazing on the northern façade) to be minor and unlikely to result in any material impact beyond the approved development. The Department is therefore supportive of all other changes proposed.

## **5.2 Signage zones**

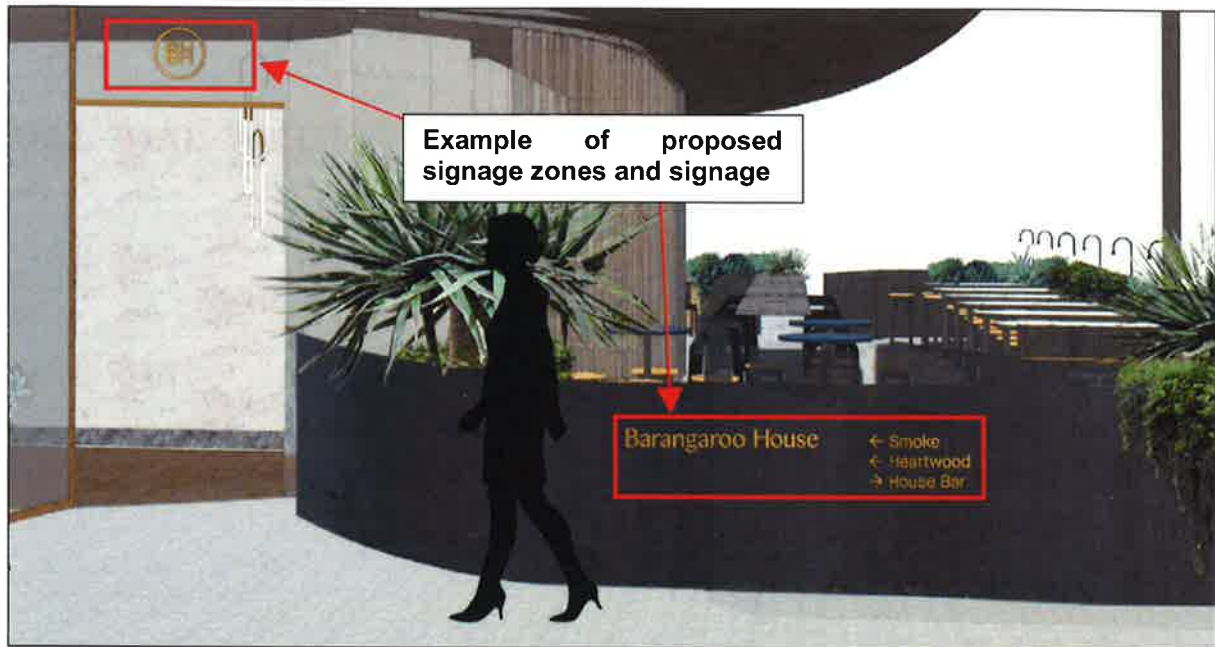
A total of four signage zones (**Figure 5**) would be integrated into the ground floor building design and layout as follows:

- 1200 mm by 600 mm zone above the entry door of the north-eastern building facade
- 2000 mm by 600 mm zone on the exterior of the planter box on the northern façade adjacent to the entry door
- 2000 mm by 600 mm zone on the exterior of the planter box on the southern façade
- 2000 mm by 600 mm zone on the exterior of the planter box on the western façade.

Council requested more detailed plans be provided showing how the proposed signage zones integrate with structures.



In response to Council's concerns, the Applicant provided concept plans 'for information' of the proposed signage (business identification and direction signage with backlit brass lettering) within the signage zones which demonstrate the signage would be flat mounted to the existing glazing (above the entry door) and the folded metal planters (**Figure 7**).



**Figure 7:** Concept design for signage proposed on the north-western corner of the building (Source: Applicant)

On review of the concept plans, the Department is satisfied the proposed signage zones would be suitably integrated into the design of the building. The detailed design of the signage, including the exact content, materiality and details of illumination, will be subject to separate development consent. Condition A11 of the existing consent requires the Applicant to obtain separate approval for the erection of signage.

The Department has also undertaken an assessment of the signage zones against the relevant provisions of SEPP 64 in **Appendix C** of this report. This assessment has found the proposed signage zones are consistent, and the future signs within the proposed signage zones are capable of being consistent, with the design and siting criteria of SEPP 64.

The Department is satisfied the proposed signage zones are acceptable as they are appropriately sized and located, would be integrated into the design structures in the outdoor dining area so they would not adversely impact on the design of the building or the adjacent public domain, and would comply with the assessment criteria in SEPP 64.

### 5.3 Noise

The proposed modification, amongst other things, seeks a change from operable to fixed glazing on the northern façade of the ground floor and the redistribution of approved outdoor seating to create a new seating area in the south-eastern corner of the building. The new seating area would be located further away from nearest residents to the north in Building R9. As such, the proposal is unlikely to result in increased noise impacts to the nearest residents.

No change is proposed to the approved patron capacity of the outdoor areas. Further, the application is supported by a statement from a noise expert which concludes the proposed modification would result in an overall reduction in noise from Building R1 and as such, the modified development would continue to comply with the existing noise limits in the consent.

The Department is therefore satisfied the proposed modification would not result in adverse operational noise impacts to nearby sensitive receivers.

## 6. CONCLUSION

The modification application has been assessed in accordance with the matters for consideration under Part 4 of the EP&A Act and all relevant environmental planning instruments, and is considered to comply with all relevant standards and requirements.

The Department's assessment has found the proposed amendments to the planter boxes would help clearly delineate the extent of the licensed premises from the adjoining public domain and prevent overflow into the public domain, in accordance with liquor management and licensing requirements. Changes to the external areas of the building are similarly supported, and the new outdoor seating area would not result in amenity impacts to nearby sensitive receivers.

The Department concludes the proposed modification is minor and acceptable, is in the public interest and is substantially the same development. The Department recommends the application be approved, subject to conditions.

## 7. RECOMMENDATION

It is recommended that the Director, Key Sites Assessments:

- (a) **consider** the findings and recommendations of this report;
- (b) **approve** the modification under section 96(1A) of the EP&A Act; and
- (c) **sign** the attached Instrument of Modification.

Andrew Hartcher  
Senior Planner  
Key Sites Assessments

Recommended by:

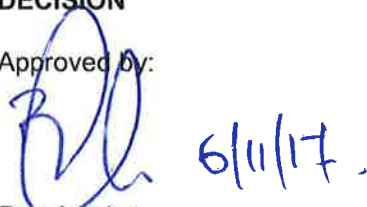


Cameron Sargent  
**Team Leader**  
**Key Sites Assessments**

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## DECISION

Approved by:



Ben Lusher  
**Director**  
**Key Sites Assessments**

## **APPENDIX A – RECOMMENDED MODIFICATION CONDITIONS**

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## **APPENDIX B – RELEVANT SUPPORTING INFORMATION**

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The following supporting documents and information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Environmental Impact Statement

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8738](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8738)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8738](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8738)

3. Applicant's Response to Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8738](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8738)



## APPENDIX C – STATE ENVIRONMENTAL PLANNING POLICY NO. 64 (ADVERTISING AND SIGNAGE) ASSESSMENT

### State Environmental Planning Policy No.64 – Advertising and Signage

*State Environmental Planning Policy No 64- Advertising and Signage* (SEPP 64) applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. The table below demonstrates the consistency of the proposed signage zones with these assessment criteria (future signs with the proposed signage zones will be subject to separate future planning applications).

**SEPP 64 Compliance Table**

Assessment Criteria	Comments	Compliance
<b>1 Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage zones for are appropriately located and integrated into the design and appearance of the building. The provision of signage for business identification and wayfinding is consistent with the desired future character of Barangaroo South.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The Applicant has advised (and provided concept plans demonstrating) the signage will be consistent with other high-quality signage in Barangaroo South.	Yes
<b>2 Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage zones are appropriately sized and located so that they do not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.	Yes
<b>3 Views and vistas</b>		
Does the proposal obscure or compromise important views?	The proposed signage zones are within the building envelope and are integrated with the proposed building. Future signage within these zones would not result in any obstruction of views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage zones are located at ground level and will not impact on the skyline or reduce the quality of vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposed signage zones do not impact upon the viewing rights of other advertisers.	Yes
<b>4 Streetscape, setting or landscape</b>		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage zones are minor in relation to the scale of the building.	Yes

Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage zones would contribute to the visual interest of the building by contributing to the identification and recognition of site.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed zones are considered sympathetic to the architectural treatment of the building.	Yes
Does the proposal screen unsightliness?	The signage zones form part of the building façade.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage zones do not protrude beyond the building envelope.	Yes
Does the proposal require ongoing vegetation management?	The signs would not require ongoing vegetation management.	Yes
<b>5 Site and building</b>		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The signage zones have been designed to be fully compatible with the design and architecture of the proposed building.	Yes
Does the proposal respect important features of the site or building, or both?	The signage zones are in architecturally appropriate locations to assist in place and business identification and wayfinding.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage zones have been fully integrated with the building architecture.	Yes
<b>6 Associated devices and logos with advertisements and advertising structures</b>		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Specific signage details will be subject to future assessment.	N/A
<b>7 Illumination</b>		
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	Details of illumination will be subject to future assessment. Any future illumination however can be ensured to not result in unacceptable glare.	N/A
Would illumination detract from the amenity of any residence or other form of accommodation?	Details of illumination will be subject to future assessment. Any future illumination however can be ensured to not result in adverse impacts on residential uses.	N/A
Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	Details of illumination will be subject to future assessment. If required, conditions can be imposed on future signage to ensure illumination can be adjusted.	N/A
<b>8 Safety</b>		
Would the proposal reduce safety for pedestrians, particularly children, by	The location of the signage zones would not obscure sightlines to or from public areas.	Yes

obscuring sightlines from public areas?		
Would the proposal reduce safety for any public road?	The location and size of future signs would not reduce safety for any public road.	Yes